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BOARD OF MEDICAL EXAMINERS HEARING AID DISPENSERS EXAMINING COMMITTEE EXECUTIVE SESSION MINUTES DECEMBER 5, 2014

I APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Charles Herb, seconded by David Weesner to approve the October 3, 2014 Executive Session Minutes as written. The motion carried by unanimous vote.

II INVESTIGATIVE INQUIRY

a. Marvin A. Kleinman (11:00a.m.)

Mr. Kleinman appeared before the Committee for an inquiry based upon but not limited to the September 25, 2014 arrest by the Division of Criminal Justice Trenton for forgery, theft by deception and Medicare/Welfare Fraud.

After discussion, an agreement was made between Mr. Kleinman's attorney and the Committee that Mr. Kleinman will voluntarily surrender his Hearing Aid Dispenser and Audiology Licenses as of January 15, 2015 and will not be present in any of his offices while there are patients there until a determination has been made on the case. The motion carried by unanimous vote.

III NEW BUSINESS

a. William D. Farnsworth submitted an application for licensure by reciprocity. Mr. Farnsworth is licensed in the states of Iowa (current), Maryland (current) Massachusetts (current), Pennsylvania(current), Indiana (expired) and Colorado (expired).

After review and unless, Mr. Farnsworth can prove that he has passed the International Licensing Examination for Hearing Healthcare Professionals within the last three years a motion was made by David Weesner seconded by Charles Herb to deny Mr. Farnsworth application since New Jersey does not have reciprocity with the states of Iowa, Maryland, Massachusetts, Pennsylvania, Indiana and Colorado. The motion carried by unanimous vote.

III NEW BUSINESS (cont.)

- b. Francis J. Hetherington was arrested on September 24, 2006 by the Langhorne, Pennsylvania Police Department for disorderly conduct, harassment and resisting arrest and on May 2, 2012 for unlawful contact with minor.

The Committee reviewed Mr. Hetherington's explanation in regards to the arrest. After review, a motion was made by Charles Herb seconded by David Weesner to request that Mr. Hetherington's probation officer submit directly to the Committee a report regarding Mr. Hetherington's probation. The motion carried by unanimous vote. This matter has been tabled pending the requested information.

- c. Ryan E. Lupin was arrested on August 17, 2005 by the Lexington Police Department for alcohol intoxication in a public place and criminal possession of a controlled instrument. Mr. Lupin answered "no" to question number 9 on the application which asks if he has ever been summoned; arrested; taken into custody; indicted; tried; charged with; admitted into pre-trial intervention; or pled guilty to any violation of law, ordinance, felony, misdemeanor or disorderly persons offense.

The Committee reviewed Mr. Lupin's explanation in regards to the arrest. After review, a motion was made by David Weesner seconded by Charles Herb to accept Mr. Lupin's explanation. The motion carried by unanimous vote.

IV OLD BUSINESS

- a. Complaint# 100285
Janet Vassale/Complainant
Jennifer J. Adams/Respondent

At the October 3, 2014 Committee meeting, the committee reviewed the complaint filed by Janet Vassale and the response from Ms. Adams which included Ms. Vassale's medical records. After review, the Committee noted that there was no verification of hearing aid performance although it checked off that a medical clearance was provided. A motion for no cause for disciplinary action was made as long as Ms. Adams can provide proof of a medical clearance. This matter was tabled pending the receipt of the requested information.

Since Ms. Adams provided proof of medical clearance. The Committee stands by its original motion of no cause for disciplinary action.

V COMPLAINTS

- a. Complaint#101991
Holly H. Reynolds/Isidore Kirsh/Complainant
Michael J. Moran/Respondent

The Committee reviewed the complaint filed by Ms. Reynolds and Mr. Kirsh as well as Mr. Moran's response.

After review, a motion was made by Charles Herb seconded by David Weesner to have Mr. Moran go for an evaluation by a substance abuse organization as a condition of continued licensure. The motion carried by unanimous vote. This matter is tabled pending the requested information.

- b. Complaint#101908
Edwin H. Spivak/Complainant
Christina L. Parott/Respondent

The Committee reviewed the complaint filed by Mr. Spivak as well as Ms. Parott's response.

After review a motion for no disciplinary action was made by Charles Herb, seconded by David Weesner in that Mr. Parott did not violate any rules and regulations pertaining to Hearing Aid Dispensing. The motion carried by unanimous vote.

VI HANDOUTS

No handouts were provided.

VII ADJOURNMENT

A motion was made by David Weesner, seconded by Charles Herb to go into Regular Session and adjourn the meeting at 12:30p.m. The motion carried by unanimous vote.

Respectfully submitted

HEARING AID DISPENSERS EXAMINING COMMITTEE

Renee P. Clark, Executive Director

